

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 859**

**Introduced by Assembly Member Bass**

February 18, 2005

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An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

LEGISLATIVE COUNSEL'S DIGEST

AB 859, as amended, Bass. Medical assistants: authorized activities.

Existing law, the Medical Practice Act, prohibits, subject to specified exceptions, the practice of medicine without a physician and surgeon's certificate issued by the Medical Board of California. Under the act, a medical assistant, as defined, is authorized to perform specified treatment activities under designated conditions, *including tasks and services performed in certain licensed primary care clinics upon the specific authorization of a physician assistant, a nurse practitioner, or a nurse-midwife.*

This bill would ~~make nonsubstantive changes to the provision authorizing a medical assistant to perform these activities~~ also authorize those treatment activities to be performed by a medical assistant under the same circumstances in certain clinics exempt from licensure.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2069 of the Business and Professions Code is amended to read:

2069. (a) (1) Notwithstanding any other provision of law, a medical assistant may administer medication only by intradermal, subcutaneous, or intramuscular injections and perform skin tests and additional technical supportive services upon the specific authorization and supervision of a licensed physician and surgeon or a licensed podiatrist. A medical assistant may also perform all these tasks and services in a clinic licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code *and in a clinic that is exempt from licensure pursuant to subdivision (a), (b), or (c) of Section 1206 of the Health and Safety Code*, upon the specific authorization of a physician assistant, a nurse practitioner, or a nurse-midwife.

(2) The supervising physician and surgeon at a clinic described in paragraph (1) may, at his or her discretion, in consultation with the nurse practitioner, nurse-midwife, or physician assistant provide written instructions to be followed by a medical assistant in the performance of tasks or supportive services. These written instructions may provide that the supervisory function for the medical assistant for these tasks or supportive services may be delegated to the nurse practitioner, nurse-midwife, or physician assistant within the standardized procedures or protocol, and that tasks may be performed when the supervising physician and surgeon is not onsite, if both of the following apply:

(A) The nurse practitioner or nurse-midwife is functioning pursuant to standardized procedures, as defined by Section 2725, or protocol. The standardized procedures or protocol shall be developed and approved by the supervising physician and surgeon, the nurse practitioner or nurse-midwife, and the facility administrator or his or her designee.

(B) The physician assistant is functioning pursuant to regulated services as described in Section 3502 and is approved to do so by the supervising physician or surgeon.

(b) The following definitions shall apply for purposes of this section and Sections 2070 and 2071:

(1) “Medical assistant” means a person who may be unlicensed, who performs basic administrative, clerical, and technical supportive services in compliance with this section and Section 2070 for a licensed physician and surgeon or a licensed podiatrist, or group thereof, for a medical or podiatry corporation, for a physician assistant, a nurse practitioner, or a nurse-midwife as provided in subdivision (a), or for a health care service plan, who is at least 18 years of age, and who has had at least the minimum amount of hours of appropriate training pursuant to standards established by the Division of Licensing. The medical assistant shall be issued a certificate by the training institution or instructor indicating satisfactory completion of the required training. A copy of the certificate shall be retained as a record by each employer of the medical assistant.

(2) “Specific authorization” means a specific written order prepared by the supervising physician and surgeon or the supervising podiatrist, or the physician assistant, the nurse practitioner, or the nurse-midwife as provided in subdivision (a), authorizing the procedures to be performed on a patient, which shall be placed in the patient’s medical record, or a standing order prepared by the supervising physician and surgeon or the supervising podiatrist, or the physician assistant, the nurse practitioner, or the nurse-midwife as provided in subdivision (a), authorizing the procedures to be performed, the duration of which shall be consistent with accepted medical practice. A notation of the standing order shall be placed on the patient’s medical record.

(3) “Supervision” means the supervision of procedures authorized by this section by the following practitioners, within the scope of their respective practices, who shall be physically present in the treatment facility during the performance of those procedures:

- (A) A licensed physician and surgeon.
- (B) A licensed podiatrist.
- (C) A physician assistant, nurse practitioner, or nurse-midwife as provided in subdivision (a).

(4) “Technical supportive services” means simple routine medical tasks and procedures that may be safely performed by a medical assistant who has limited training and who functions under the supervision of a licensed physician and surgeon or a

1 licensed podiatrist, or a physician assistant, a nurse practitioner,  
2 or a nurse-midwife as provided in subdivision (a).

3 (c) Nothing in this section shall be construed as authorizing  
4 the licensure of medical assistants. Nothing in this section shall  
5 be construed as authorizing the administration of local anesthetic  
6 agents by a medical assistant. Nothing in this section shall be  
7 construed as authorizing the division to adopt any regulations  
8 that violate the prohibitions on diagnosis or treatment in Section  
9 2052.

10 (d) Notwithstanding any other provision of law, a medical  
11 assistant may not be employed for inpatient care in a licensed  
12 general acute care hospital as defined in subdivision (a) of  
13 Section 1250 of the Health and Safety Code.

14 (e) Nothing in this section shall be construed as authorizing a  
15 medical assistant to perform any clinical laboratory test or  
16 examination for which he or she is not authorized by Chapter 3  
17 (commencing with Section 1200). Nothing in this section shall be  
18 construed as authorizing a nurse practitioner, nurse-midwife, or  
19 physician assistant to be a laboratory director of a clinical  
20 laboratory, as those terms are defined in paragraph (7) of  
21 subdivision (a) of Section 1206 and subdivision (a) of Section  
22 1209.